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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,390	08/23/2006	Erwin Paul Josef Lehrieder	W1.2305PCT-US	6992

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EXAMINER	
SNELTING, JONATHAN D	
ART UNIT	PAPER NUMBER
3652	
MAIL DATE	DELIVERY MODE
01/20/2011	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/590,390	LEHRIEDER ET AL.	
	Examiner	Art Unit	
	Jonathan D. Snelting	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 October 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *See Continuation Sheet* is/are pending in the application.

4a) Of the above claim(s) *See Continuation Sheet* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *89,91,93,100,101,118-123,126,131,132,134,135,145-150 and 154-156* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/27/2010*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Continuation of Disposition of Claims: Claims pending in the application are 89-91,93,100-106,111-127,131,132,134-140,145-150,154-158,160-163,166 and 167.
Continuation of Disposition of Claims: Claims withdrawn from consideration are 90,102-106,111-117,124,125,127,136-140,157,158,160-163,166 and 167.

DETAILED ACTION

Response to Amendment

The amendment to the claims filed on October 27, 2010 has been entered into the record. Claims 89 and 146-150 are amended. Claims 90, 102-106, 111-117, 124, 125, 127, 136-140, 157, 158, 160-163, 166, and 167 remain withdrawn. Claims 92, 94-99, 107-110, 128-130, 133, 141-144, 151-153, 159, 164, and 165 are cancelled.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

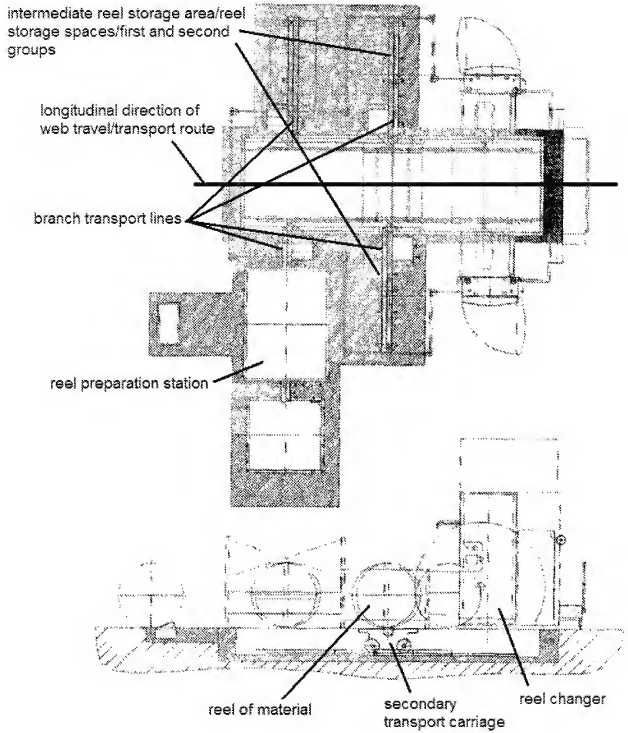
> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

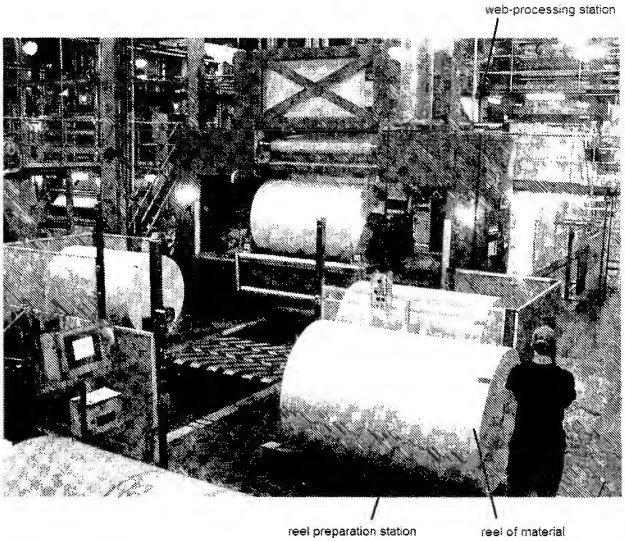
2. Claims 89, 91, 93, 100, 101, 121, 123, 126, 131, 132, 134, 135, 145-150, and 156 rejected under 35 U.S.C. 103(a) as being unpatentable over CONTIWEB B.V. (material submitted by applicant with bill of lading dated February 4, 2004), hereafter referred to as CONTIWEB, in view of Lehrieder '938 (U.S. Patent No. 6,138,938).

3. Consider claims 89, 91, 101, 123, 126, 131, 132, 134, 135, 146, and 147. CONTIWEB teaches a device for transporting reels of material comprising: a reel preparation station adapted to prepare said reels of material to form prepared reels of material; an intermediate reel storage area adapted to receive and to store a plurality of said prepared reels of material received from said reel preparation station, each of said prepared reels of material having a reel width in an axial direction of each said reel of material and a reel diameter; a web-processing machine including at least one web-

processing station and a reel changer having an uploading and unloading position, said at least one web-processing station and said reel changer being arranged sequentially in a longitudinal direction of web travel through said web-processing machine, said intermediate reel storage area being located adjacent to, and before said reel changer of said web-processing machine; a single, straight transport route extending directly from said intermediate reel storage area to said reel changer in said web-processing machine, said single, straight transport route being aligned with said longitudinal direction of web travel through said web-processing machine; at least one secondary transport carriage supported for movement along said single, straight transport route, to transport each one of said prepared reels of material directly to said intermediate reel storage area from said reel preparation station along said single, straight transport route and further being adapted to transport each one of said prepared reels of material, directly between said intermediate reel storage area, along said single, straight transport route to said uploading and unloading position of said reel changer; a plurality of reel storage spaces in said intermediate reel storage area, said plurality of reel storage spaces including a first group of reel storage spaces located on a first side of said single, straight transport route and a second group of said plurality of reel storage spaces located on a second, opposite side of said single, straight transport route, each one of said plurality of reel storage spaces in each of said first and second groups of reel storage spaces each having a storage space width, in a direction transverse to said longitudinal direction of web travel, to each store at least one of said prepared reels of material transported directly to each said reel storage space from said reel preparation

station and to be transported directly from each said reel storage space to said reel changer by said secondary transport carriage; and a separate branch transport line extending perpendicular from said single, straight transport route into each of said plurality of reel storage spaces in each of said first and second groups, a spacing between adjacent branch transport lines being greater than said reel diameter, each one of said reel storage spaces in each of said first and second groups being adapted to each store said at least one of said prepared reels of material received from said reel preparation station and supported on ones of said primary transport carriages (see marked pictures below).


intermediate reel storage area/reel storage spaces/first and second groups
longitudinal direction of web travel/transport route
branch transport lines
reel preparation station
reel of material
secondary transport carriage
reel changer



CONTIWEB does not explicitly teach at least two of said reel storage spaces in each of said first and second groups of said reel storage spaces being aligned directly in front of the other in said longitudinal direction of said web processing machine, and at least three of said reel storage spaces are arranged in each of said first and second groups of reel storage spaces on both of said first and second sides of said transport route. It would have been obvious to a person having ordinary skill in the art to duplicate the storage spaces in each of the first and second groups of CONTIWEB,

since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960). One would have been motivated to duplicate the storage spaces in order to store more prepared reels of material.

CONTIWEB does not explicitly teach primary transport carriages and primary transport carriage drive means. Lehrieder '938 teaches primary transport carriages (16), each said primary transport carriage being adapted to support a reel of material during movement of a prepared reel of material, a secondary transport carriage (41) adapted to receive one of said primary transport carriages and its support one of said prepared reels of material, primary transport carriage drive means/primary transport carriage chain drive (see column 2, lines 53-56), wheels (18), two of said primary transport carriages supported on a secondary transport carriage (54), one of said primary transport carriages is positionable in each reel storage space (proximate "24," see fig. 1), each of said plurality of reel storage spaces accommodates at least a single one of said primary transport carriages (see fig. 1), all of said plurality of reel storage spaces accommodate at least two of said primary transport carriages and are each sized to store two of said prepared reels of material (see fig. 1), and each of said primary transport carriages is adapted to accommodate a partial reel of material (44, see fig. 2). It would have been obvious to a person having ordinary skill in the art to modify the device of CONTIWEB with primary transport carriages and primary transport carriage drive means as taught by Lehrieder '938 in order to reduce friction when moving the reels of material.

4. Consider claim 93. CONTIWEB teaches that said plurality of reel storage spaces are arranged parallel to said direction of web travel and before said web-processing machine (see marked pictures above).

5. Consider claim 100. CONTIWEB does not explicitly teach that all of said reels of material are prepared with splices. Lehrieder '938 teaches that all of said reels of material are prepared with splices (see column 3, lines 4-9). It would have been obvious to a person having ordinary skill in the art to modify the device of CONTIWEB to prepare all reels of material with splices as taught by Lehrieder '938 in order that the reels may be spliced in the reel changer.

6. Consider claim 121. CONTIWEB teaches an intermediate reel storage area which is a FIFO storage area—that is, a storage area capable of the intended use of first in-first out storage.

7. Consider claim 145. CONTIWEB teaches that spacings of all of said reel storage spaces are greater than said reel diameter (see marked pictures above).

8. Consider claims 148-150. CONTIWEB teaches that all of said reel storages spaces are adapted to store new ones of said prepared reels of material (see marked pictures above).

9. Consider claim 156. CONTIWEB teaches a single reel changer (see marked pictures above).

10. Claims 118-120, 154, and 155 are rejected under 35 U.S.C. 103(a) as being unpatentable over CONTIWEB (material submitted by applicant with bill of lading dated

February 4, 2004) in view of Lehrieder '938 (U.S. Patent No. 6,138,938), and further in view of Schaede (U.S. Pub. No. 2003/0164102).

11. Consider claims 118-120, 154, and 155. CONTIWEB in view of Lehrieder '938 does not explicitly teach a plurality of web-processing stations. Schaede teaches a plurality of web-processing stations/printing couples (06, 07, 08, 09) arranged one in front of the other in a direction of web travel defining a horizontal path (T, see fig. 1). It would have been obvious to a person having ordinary skill in the art to modify the web-processing machine of CONTIWEB in view of Lehrieder '938 with a plurality of web-processing stations as taught by Schaede in order to provide for subsequent processing of the web material. The printing couples, reel changer, and intermediate storage area of CONTIWEB in view of Lehrieder '938 in view of Schaede would be in a common plane.

12. Claim 122 is rejected under 35 U.S.C. 103(a) as being unpatentable over CONTIWEB (material submitted by applicant with bill of lading dated February 4, 2004) in view of Lehrieder '938 (U.S. Patent No. 6,138,938), and further in view of Allemann (U.S. Pub. No. 2004/0091340).

13. Consider claim 122. CONTIWEB in view of Lehrieder '938 does not explicitly teach a machine control center. Allemann teaches a web-processing machine control center (CPU, see paragraph 0027). It would have been obvious to a person having ordinary skill in the art to modify the device of CONTIWEB in view of Lehrieder '938 with a machine control center as taught by Allemann in order to provide automatic control of the device. It would have been obvious to a person having ordinary skill in the art to

locate the machine control center of CONTIWEB in view of Lehrieder '938 in view of Allemann adjacent to the intermediate storage area in order to minimize the length of wire or wireless transmission required.

Response to Arguments

14. Applicant's arguments filed October 27, 2010 have been fully considered but they are not persuasive.

15. Applicant argues that Herr Stiel has answered the Requirement for Information from the Office Action of August 16, 2010 to the best of his knowledge and belief. This argument is not persuasive. While it may be true that Herr Stiel has answered the Requirement for Information to the best of his knowledge and belief, a statement of merely not knowing what the CONTIWEB material is does not constitute a proper rebuttal to the on sale bar of the CONTIWEB material.

16. Applicant argues that the CONTIWEB material could not have been transported to the United States and assembled in five days to meet the "on sale" bar of 35 U.S.C. 102(b). This argument is not persuasive. An impermissible sale has occurred if there was a definite sale, or offer to sell, more than 1 year before the effective filing date of the U.S. application and the subject matter of the sale, or offer to sell, fully anticipated the claimed invention or would have rendered the claimed invention obvious by its addition to the prior art. Please see *Ferag AG v. Quipp, Inc.*, 45 F.3d 1562, 1565, 33 USPQ2d 1512, 1514 (Fed. Cir. 1995) and MPEP §2133.03(b). Whatever assembly time the CONTIWEB material requires is irrelevant to any sale or offer to sell regarding 35 U.S.C. 102(b). Thus it appears the applicant is actually arguing the public use

portion of 35 U.S.C. 102(b). Applicant is directed to MPEP §2133.03 and to *Dart Indus. v. E.I. du Pont de Nemours & Co.*, 489 F.2d 1359, 1365, 179 USPQ 392, 396 (7th Cir. 1973), which states "Two of these - the public use' and the on sale' objections - are sometimes considered together although it is quite clear that either may apply when the other does not."

17. Applicant argues that the CONTIWEB documents do not teach at least two aligned prepared reel storage spaces in each of the first and second groups of storage spaces. This argument is not persuasive. While CONTIWEB does not explicitly teach some elements of the claimed invention, those elements would have been obvious to a person skilled in the art as stated above.

Conclusion

18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D. Snelting whose telephone number is 571-270-7015. The examiner can normally be reached on Monday to Friday 8:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saúl Rodriguez can be reached on 571-272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. D. S./
Examiner, Art Unit 3652

/Saúl J. Rodríguez/
Supervisory Patent Examiner, Art Unit 3652